

**CERTIFICATE OF ELECTRONIC
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I hereby certify that this correspondence for Application No. 10/726,329 is being electronically transmitted to Technology Center 3732, via EFS-WEB, on August 28, 2006.

<u>/David H. Brinkman/</u>	8/28/06
David H. Brinkman, Reg. No. 40,532	Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Erik E. Erstad et al.
Serial No.: 10/726,329
Filed: December 1, 2003
Examiner: Unknown
Group Art Unit: 3732
Confirmation No.: 3659
Title: **SPINAL ACCESS INSTRUMENT**
Atty Docket No.: ZMS-MI18US (SPN0405 ORD)

Cincinnati, Ohio 45202

August 28, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with the duty of candor and good faith imposed by 37 C.F.R. §1.56, and means of complying therewith according to 37 C.F.R. §§1.97 and 1.98, the references listed on the attached Form PTO-1449 are called to the attention of the United States Patent and Trademark Office in connection with the above-identified patent application. Because the requirement (37 C.F.R.

§ 1.98(a)(2)(i)) for submitting copies of U.S. patents and published applications has been waived, copies of only the foreign cited references and/or other documents are enclosed herewith. A copy of a European Search Report received in Applicants' corresponding European Application Serial No. 04251366.3 is also enclosed. EP0807415A issued to Olympus Optical Co., Ltd., U.S. Patent No. 3,875,595 issued to Froning, U.S. Patent No. 4,545,374 issued to Jacobson, U.S. Patent No. 5,472,426 issued to Bonati et al., U.S. Patent No. 6,228,022 issued to Friesem Tai et al. and U.S. Patent Application Publication No. 2003/0083688 issued to Simonson are previously of record as they were cited by Applicants in the above-identified application on June 19, 2006.

Certification under C.F.R. § 1.97(e)(1)

Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Certification under 37 C.F.R. § 1.704(d)

Each item contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and was not received by any person designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Applicants do not believe that any fees are due in connection with this response. However, if such petition is due or any other fees are necessary, the

Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

BY /David H. Brinkman/

David H. Brinkman

Reg. No. 40,532

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 - Voice
(513) 421-7269 - Facsimile